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09/852,959	05/10/2001	Vickie Lynn Brewer	TUC920010026US1	5329
42640	7590	01/10/2006	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			NGUYEN BA, PAUL H	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/852,959
Filing Date: May 10, 2001
Appellant(s): BREWER ET AL.

MAILED

JAN 10 2006

Technology Center 2100

Justin M. Dillon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 4, 2005 appealing from the Office action mailed on June 29, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0075297

BOULTER

6-2002

McFedries, Paul "Windows 98 Unleashed, Chapter 33: Exploring the Web with Internet Explorer", Sam's Publishing (May 1998), pp.1-21.

Feldman, Boris "Speak to Your International Users", DevX *available at*
http://gethelp.devx.com/techtips/js_pro/10min/10min0899/10min0899.asp (2004), pp. 1-3.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter, U.S. Patent Application Publication No. 2002/0075297, in view of Paul McFedries, Windows 98 Unleashed, Chapter 33 *Exploring the Web with Internet Explorer*, Sams Publishing (May 1998), pp 1-21 ("Internet Explorer").

Regarding independent claim 12, Boulter discloses:

A method for displaying status information for a machine via a web interface between said machine and a web server (see Abstract; Background of the Invention; and paragraph [0001]) comprising:

maintaining status data for said machine utilizing said machine (see paragraphs [0002-0003], [0035]);

receiving a request from a user to view a web page comprising said status information (see paragraphs [0002-0008] → user request status information through a web browser); and

causing said web page to be displayed to said user utilizing said web server in response to said receiving (see Figs. 3 and 4; paragraphs [0017]) in order to reduce the amount of processing work required by said machine (see paragraphs [0011-0012], [0018], [0049]) wherein said causing comprises generating a new markup language file in response to a determination that said status data has been previously updated (see paragraphs [0018], [0059] → generates updated HTML file), and

transmitting said new markup language file to said user in response to said generating (see paragraphs [0017] → HTML file transmitted).

Boulter does not explicitly disclose:

said request comprises data specifying a requested human language, and generating comprise said new markup language in only said requested human language.

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However, Internet Explorer discloses:

said request comprises data specifying a requested human language, and generating comprise said new markup language in only said requested human language (see pg. 4, paragraph 4 → Internet Explorer teaches a language preference dialog box which enables you to add one or more languages to Internet Explorer. This enables Internet Explorer to handle and generate foreign language pages. You can also use this dialog box to set up relative priorities for the designated languages).

Since Boulter and Internet Explorer are both from the same field of endeavor, the purposes disclosed by Internet Explorer would have been recognized in the pertinent art of Boulter. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Boulter with the teachings of Internet Explorer to include specifying a requested human language, and generating said new markup language in only said requested human language for the motivational purpose of designating languages in the web browser for generating web pages.

Regarding claim 13, Boulter discloses the method of independent claim 12 above, but does not explicitly disclose:

said data specifying said requested human language comprises data specifying a plurality of requested human languages, and said generating comprises generating said new markup language file in only each of said plurality of requested human language.

However, Internet Explorer discloses:

said data specifying said requested human language comprises data specifying a plurality of requested human languages, and said generating comprises generating said new markup language file in only each of said plurality

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of requested human language (see pg. 4, paragraph 4 → Internet Explorer teaches a language preference dialog box which enables you to add *one or more* languages to Internet Explorer. This enables Internet Explorer to handle and generate foreign language pages. You can also use this dialog box to set up relative priorities for the designated languages).

Since Boulter and Internet Explorer are both from the same field of endeavor, the purposes disclosed by Internet Explorer would have been recognized in the pertinent art of Boulter. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Boulter with the teachings of Internet Explorer to include said data specifying said requested human language comprises data specifying a plurality of requested human languages, and said generating comprises generating said new markup language file in only each of said plurality of requested human language for the motivational purpose of designating languages in the web browser for generating web pages.

Independent claims 20 and 26 incorporate substantially similar subject matter as independent claim 1 and are therefore rejected under the same rationale.

(10) Response to Argument

Appellant's sole issue on appeal contends that "*neither reference teaches the generation of a web page in only a requested human language*" (Appellant's Appeal Brief - pgs. 6-8).

The examiner respectfully disagrees. As discussed above, Boulter discloses a method for displaying status information for a machine via a web interface between said machine and a web server, but does not explicitly teach the generation of a web page in only a requested human language. In view of Internet Explorer, however, this limitation would have been obvious to the skilled artisan. Internet Explorer teaches a language preference dialog box which enables you to add *one or more* languages to Internet Explorer (see pg. 4, paragraph 4 → selection of only one language is permissible, thus vitiating Appellant's sub-argument regarding implicit indication of Internet Explorer generating pages in languages other than user requests). This enables Internet Explorer to handle and generate foreign language pages.

Appellant oversimplifies the functions of a web browser by insinuating that a web browser is limited to only allowing a user to 'view', as opposed to 'generate', HTML files. In order for a web browser to properly view and access HTML documents, 'generate' functions are inherently necessary to arrive at instant invention's end goal of properly and correctly displaying status information via a web interface between machine and web server. Internet Explorer is a clear example of a web server/interface that discloses language related functions which allow for the generation of a human language requested by user. It was commonly known to those of skill

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in the art that starting with Internet Explorer 4.0 or later (release date September 30, 1997), three language-related properties were incorporated to allow for generation of human languages:

browserLanguage, systemLanguage, and userLanguage. These properties refer to the default language of the browser application, the language of the operating system, and the current user's "regional settings" selection, respectively (see Appendix – pg. 1, paragraph 3). Internet Explorer thus discloses *the generation of a web page in only a requested human language*.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Boulter with the teachings of Internet Explorer to include said data specifying said requested human language comprises data specifying a plurality of requested human languages, and said generating comprises generating said new markup language file in only each of said plurality of requested human language for the motivational purpose of designating languages in the web browser for generating web pages.

Examiner's note: Appendix was added and attached below merely to provide further evidence of what was commonly known in the art as far back as prior to September 30, 1997.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Paul Nguyen-Ba
January 5, 2006

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